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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/767,557

01/29/2004

Nigel Patrick Wright

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DES MOINES, IA 50309-2721

EXAMINER

HAMO, PATRICK

ART UNIT

PAPER NUMBER

3746

MAIL DATE

DELIVERY MODE

07/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/767,557

Applicant(s)

WRIGHT, NIGEL PATRICK

Examiner

Patrick Hamo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is in response to amendments filed on May 7, 2007.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fried et al., Pat. No. 3,816,033 in view of Lopez et al., Pat. No. 4,265,155.

Fried discloses a pump assembly with a motor M with drive gear 28A mounted on base plate 11a, a pump plate 40 detachably mounted to the base plate at bead portions 24, 25 and movable between a first position (fig. 6) and a second position (fig. 7), where a first pump unit 27 is mounted on the plate and has a gear 55 in mesh with motor gear 33 in the first position, and a second pump unit is in mesh with motor gear 34 in the second position, the gears of the pumps at a common end, and where there are a variety of these pump units 27 available and capable of being selectively engaged or disengaged such that when the first pump is engaged, the second pump can be disengaged and vice versa (col. 6, ll. 7-20) depending on the positions of the pump plates (figs. 5-7), the plate movable between positions by adjusting a pin or bead 24,25 in the base

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plate to slots or recesses 105, 106 in the pump plate, secured into position by a hand-actuated knob 89 threaded onto plate 77 which is connected to base plate 11a, the method of changing the pump assembly from a first to second pump comprising mounting the pumps 27 to pump plates 40, mounting the plate to base plate 11a and moving it to a first position (fig. 6) whereby the first pump is engaged with the motor, and moving the plate to a second position (fig. 5) whereby the first pump is disengaged while a second pump can be engaged and vice versa (col. 6, ll. 7-20), with no restriction on the time frame in which this can occur, hence the two can be moved simultaneously; a plurality of threaded screws 76 detachably secure the pump plate 40 to the base plate 11a via spacer members 65, 66. Because of the clear demarcation between the motor portion (left side of figs. 1 and 2) and the pump portion (right), it is obvious that the assembly is mountable to a building wall so that the motor is on one side of the building wall and the pumps are on the other side of the building wall.

Fried does not disclose the following claimed limitations: that the pump plate is movable while attached to the base plate; wherein the pump plate includes at least one slot extending through the pump plate to provide the first and second position and the base plate includes a pin extending through the slot whereby the pump plate slides between the first and second positions.

However, Lopez teaches an assembly for coupling rotating mechanical devices 20 to a driving motor 52 via a drive gear 46, wherein each of the devices has a gear 36 fixed on one end, the device gears 36 selectively engaged to the drive gear 46 when a plate 14 to which both the devices are mounted is moved

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between two positions, and the plate includes a slot (best shown in fig. 3) extending through the plate to receive the drive gear 46, the shaft of the gear interpreted as a pin, the pump plate sliding between first and second positions via the pin and slot, such that the construction is more economical (col. 1, ll. 47-53) and also having the advantage that the device which is inactive may be prepped and is quickly accessible because it is integrally attached to the device in use.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to have modified the pump assembly of Fried with the driving assembly of Lopez so that the construction is more economical (col. 1, ll. 47-53) and also having the advantage that the device which is inactive may be prepped and is quickly accessible because it is integrally attached to the device in use.

Response to Amendment

Rejection of claims 1-6 under 35 USC 112 is withdrawn in response to applicant's amendments.

Response to Arguments

Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick Hamo whose telephone number is 571-272-3492. The examiner can normally be reached on M-F 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on 571-272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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